

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

WILLIAM ENGELMAN,

Plaintiff,

v.

NITV FEDERAL SERVICES, LLC,

Defendant.

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Case No. 1:06-cv-00223-MHW

Judge Michael H. Watson

**ANSWER TO COUNTERCLAIM OF
PLAINTIFF WILLIAM ENGELMAN**

Plaintiff/Counterclaim Defendant William Engelman states as follows for his answer to the counterclaim of Defendant NITV Federal Services, LLC ("NITVFS"):

1. On information and belief, Mr. Engelman admits that Defendant NITVFS and non-party NITV, LLC are distinct companies; that NITVFS is engaged in the business of government contracting; and that NITV, LLC's voice stress analysis equipment is in wide use. Mr. Engelman denies the remaining allegations in paragraph 1 for want of knowledge.

2. Mr. Engelman admits the allegations in paragraph 2.

3. In response to paragraph 3, Mr. Engelman admits that the Counterclaim attempts to state a claim against him for breach of contract, denies that the matter in controversy in the Counterclaim exceeds \$75,000, and denies the remaining allegations.

4. Paragraph 4 requires no response.

5. Mr. Engelman admits that the parties had a valid and enforceable agreement.

6. Mr. Engelman denies the allegations in paragraph 6 and, answering further, states that it was the express agreement of the parties that he would be employed at Guantanamo Bay for a guaranteed minimum of two years.

7. Mr. Engelman denies the allegations in paragraph 7.
8. Mr. Engelman denies the allegations in paragraph 8.
9. Mr. Engelman denies the allegations in paragraph 9.
10. Mr. Engelman denies the allegations in paragraph 10.
11. Mr. Engelman denies the allegations in paragraph 11.
12. Mr. Engelman denies the allegations in paragraph 12.

First Affirmative Defense

13. The Counterclaim fails to state a claim upon which relief can be granted.

Second Affirmative Defense

14. NITVFS claims are barred, in whole or in part, by its own material breaches of the Agreement.

WHEREFORE, Plaintiff/Counterclaim Defendant William Engelman demands the following relief with regard to the Counterclaim:

- A. An order dismissing the Counterclaim with prejudice;
- B. An award of attorney fees and costs; and
- C. All other relief, legal or equitable, which the Court finds proper.

/s/ Robert S. Kaiser
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **ANSWER TO COUNTERCLAIM OF PLAINTIFF WILLIAM ENGELMAN** was served upon Jamie M. Ramsey, Attorney for Defendant NITV Federal Services, LLC, Keating, Meuthing & Klekamp, 1400 Provident Tower, One East Fourth Street, Cincinnati OH 45202 via CM/ECF electronic filing on this 1st day of June, 2006.

/s/ Robert S. Kaiser